

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ADRIANNA THURMAN

Plaintiff,

v.

ST. LOUIS COUNTY,

JIM BUCKLES, in his individual capacity,

JULIA MURPHY, in her individual capacity,

JENNIFER BELLO-KOTTENSTETTE, in her
individual capacity,

BRIAN HERSCHBACH, in his individual
capacity,

TRICIA RODGERS, in her individual
capacity,

JOHN DOE (NO. 1),

JOHN DOE (NO. 2),

and

JOHN/JANE DOE (NO. 3)

Defendants.

Cause No.: 4:21-cv-00816

JURY TRIAL DEMANDED

NOTICE OF REMOVAL TO FEDERAL COURT

COMES NOW, Defendant St. Louis County, by and through the undersigned counsel,
and pursuant to 28 U.S.C. §1446(a) and 28 U.S.C. §1331, hereby removes this action from the
Circuit Court of St. Louis County, Missouri based on the following grounds:

1. On June 3, 2021, Plaintiff filed suit against defendants in the Circuit Court of St. Louis

County, Missouri, in the case styled *Adrianna Thurman v. St. Louis County, et al.*, Cause No. 21SL-CC02526.

2. Count I of the Complaint is brought pursuant to 42 U.S.C. Section 1983 against Defendant Does, Rodgers and Herschbach for alleged unlawful seizure and confinement under the Fourth and Fourteenth Amendments.

3. Count II of the Complaint is brought against Defendants St. Louis County, Does, Rodgers, and Herschbach and alleges a claim of false imprisonment and re-alleges and incorporates by reference the allegations set forth in Count I to form part of the same case or controversy underlying the Section 1983 claim, which may be joined in this action pursuant to 28 U.S.C. Section 1441(c).

4. Count III of the Complaint is brought against Defendant Bello-Kottenstette and alleges a claim of Failure to Provide Adequate Medical Care and Treatment in Violation of the Eighth and Fourteenth Amendments and requests relief under 42 U.S.C. Section 1983 and re-alleges and incorporates by reference the allegations set forth in Counts I and II to form part of the same case or controversy.

5. Counts IV and V of the Complaint are brought against Defendant St. Louis County and allege claims of Unlawful Practice and/or Custom and request relief under 42 U.S.C. Section 1983 and re-allege and incorporate by reference the allegations set forth in Counts I – III and form part of the same case or controversy.

6. Count VI of the Complaint is brought against Defendants St. Louis County, Buckles, and Murphy and alleges a claim of Failure to Train, Supervise, and/or Discipline and requests relief under 42 U.S.C. Section 1983 and re-alleges and incorporates by reference the allegations set forth in Counts I – V to form part of the same case or controversy.

7. Count VII of the Complaint is brought against Defendants St. Louis County, Buckles, Murphy, Does, Rodgers and Herschbach and alleges a claim of Negligence *Per Se* pursuant to Section 491.170 of the Missouri Revised statutes and re-alleges and incorporates by reference the allegations set forth in Counts I – VI to form part of the same case or controversy, which may be joined in this action pursuant to 42 U.S.C. Section 1441(c).

8. Defendant St. Louis County accepted service of the Complaint for Damages on June 04, 2021, by agreement, and has removed this case within thirty days thereafter, calculating for the legal public holiday of Independence Day on Sunday, July 04, 2021 and its observance on Monday July 05, 2021. Such removal is timely under 28 U.S.C. §1446(b) and Federal Rule of Civil Procedure 6.

9. Defendant St. Louis County is the only Defendant who has been served as of the date of the filing of this Notice and is the only Defendant who can join in and consent to this action's removal to the United States District Court for the Eastern District, Eastern Division pursuant to 28 U.S.C. §1446(b)(2)(A).

10. Pursuant to Local Rule 81-2.03 a copy of all process, pleadings and orders and other documents on file in the State Court are attached as Exhibit A.

11. Pursuant to Local Rule 81-2.03 proof of filing the Notice of Removal with the Clerk of the State Court and proof of written notice on all adverse parties is attached as Exhibit B.

12. Venue is proper in this District under 28 U.S.C. §1391 because this District and Division embrace the geographic region where the State action is pending.

13. The Court has original jurisdiction of plaintiff's civil rights lawsuit under 28 U.S.C. §1331.

14. Defendants file herewith a filing fee in the amount of \$400.00 and the proof of filing the

Notice of Removal with the Clerk of the State Circuit Court.

Respectfully submitted,

BETH ORWICK
COUNTY COUNSELOR

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 6th day of July, 2021, a true and accurate copy of the foregoing Notice of Removal was filed electronically with the Clerk of Court and sent via e-mail to:

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